



07-24-02

DAC mp#

In re Application of:
Christopher P. Zura, Robert Stout
Jonathan Guthrie, and Chris Duhon

For: METHOD AND APPARATUS FOR
FUEL ADDITIVE DISPENSING

Atty Dkt: 23555-P011US

§ - Appl'n. Serial No. 10/036,656
§
§ Filed: December 21, 2001
§
§ Group Art Unit: unassigned
§
§ Examiner unassigned
§
§
§

Assistant Commissioner for Patents
Washington, DC 20231

"EXPRESS MAIL" MAILING LABEL	
Number:	<u>EY013522080</u>
Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the Assistant Commissioner for Patents, United States Patent & Trademark Office, Washington, D.C. 20231.	
<u>7/23/02</u> Date	<u>J. Blanchard</u> Signature
<u>Judy Blanchard</u> Printed Name	

RECEIVED

JUL 29 2002

OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 C.F.R. § 1.47
AND

SECOND RESPONSE TO FEBRUARY 5, 2002 NOTICE TO FILE MISSING
PARTS OF APPLICATION

Repln. Ref: 08/19/2002 AKELLEY 0013263400
DAB:232426 Name/Number:10036656
FC: 704 \$130.00 CR

Sir:

This paper is submitted in response to a July 2, 2002 Decision Dismissing Petition dismissing an April 2, 2002 Petition Under Rule 1.47 ("the First Petition") submitted in connection with the above-referenced application. This paper is also submitted in response to a February 5, 2002 Notice to File Missing Parts issued in connection with this application. Accompanying this paper is a Petition for Extension of Time and associated fee payment. This paper is also accompanied by a payment of the fee due under 37 C.F.R. §§ 1.47 and 1.17(h). If any other fees are determined to be due in connection with this submission, the Commissioner, Assistant Commissioner, and/or the Director of the U.S. Patent & Trademark Office are authorized to charge Winstead Sechrest & Minick Deposit Account No. 23-2426, referencing attorney docket number 23555-P011US.

07/26/2002 AWONDAF1 00000093 10036656

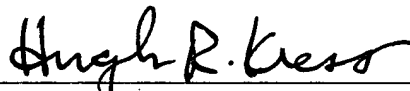
01 FC:122 130.00 OP
Adjustment date: 08/19/2002 AKELLEY
07/26/2002 AWONDAF1-00000093-10036656
01 FC:122 -130.00 OP

In view of the foregoing facts, as well as those set forth in the First Response and pursuant to 37 C.F.R. § 1.47, acceptance of the signed Declarations of Inventors Christopher Zura and Jonathan Guthrie is hereby requested, such that the application can be prosecuted by Assignee "on behalf of and as agent for all inventors" as provided by 37 C.F.R. § 1.47.

It is respectfully submitted that (1) the Assignee has now fully responded to the February 2, 2002 Notice to File Missing Parts; (2) Assignee has fully complied with the provisions of 37 C.F.R. §§ 1.47, 1.63, and all other applicable statutes and regulations, such that the Renewed Petition Under 37 C.F.R. § 1.47 should be granted; and that (3) the application is in proper form and condition for allowance. Examination on the merits is hereby requested, such that the application may advance to issue at the earliest possible date.

Respectfully submitted,

Date: 23-JUL-2002



Hugh R. Kress
Reg. No. 36,574
WINSTEAD SECHREST & MINICK P.C.
910 Travis Street, Suite 2400
Houston, Texas 77002
(713) 650-2714 (voice)
(713) 650-2400 (fax)

ATTORNEYS FOR ASSIGNEE

The First Petition was submitted in response to the February 5, 2002 Notice to File Missing Parts on April 2, 2002. A copy of the First Petition is attached hereto, and incorporated by reference herein, such that the facts recited in the First Petition need not be repeated herein.

As noted in the First Petition, Inventor Declarations from two of the four inventors named in the subject application could not be obtained, after diligent effort to that end. The facts relating to the inability to obtain the two inventors signatures are set forth fully in the First Petition.

The fact not set forth in the First Petition is that the First Petition was dismissed in the aforementioned July 2, 2002 Decision on Petition on the basis that the Inventors' Declaration submitted with the First Petition was, with respect to the *signing* inventors, not compliant with 37 C.F.R. § 1.63. According to the Decision on Petition, the Declaration did not identify each inventor inasmuch as did not have complete information as to the *non-signing* inventors.

Accompanying this Renewed Petition and Response is a new Declaration, (Forms PTO/SB/01 and PTO/SB/02A) signed by inventors Zura and Guthrie. The undersigned, on behalf of the Assignee, hereby petitions under 37 C.F.R. § 1.47 for acceptance of the attached Declaration.

* * * * *



EL 728794857US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christopher P. Zura, Robert Stout
Jonathan Guthrie, and Chris Duhon

For: METHOD AND APPARATUS FOR
FUEL ADDITIVE DISPENSING

Atty Dkt: 23555-P011US

§ Appl'n. Serial No. 10/036,656
§ Filed: December 21, 2001
§ Group Art Unit: unassigned
§ Examiner unassigned
§
§

Assistant Commissioner for Patents
Washington, DC 20231

"EXPRESS MAIL" MAILING LABEL	
Number:	EL 728794857 US
Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the Assistant Commissioner for Patents, United States Patent & Trademark Office, Washington, D.C. 20231.	
04/02/02	<i>Laura L. Nichols</i>
Date	Signature
	Laura L. Nichols
	Printed Name

PETITION UNDER 37 C.F.R. § 1.47

Sir:

This paper accompanies a Response to a February 5, 2002 Notice to File Missing Parts of Nonprovisional Application ("the Response") in connection with the above-referenced application, and is accompanied by a payment of the fee due under 37 C.F.R. §§ 1.47 and 1.17(h). If any other fees are determined to be due in connection with this submission, the Commissioner, Assistant Commissioner, and/or the Director of the U.S. Patent & Trademark Office are authorized to charge Winstead Sechrest & Minick Deposit Account No. 23-2426, referencing attorney docket number 23555-P011US.

As noted in the Response, Inventor Declarations from two of the four inventors named in the subject application could not be obtained, after diligent effort to that end.

The facts are as follows:

- This application ("the '656 application") is a continuation-in-part of prior U.S. patent application S.N. 09/502,899 filed on February 11, 2000 ("the '899 application"). The

RECEIVED
JUL 29 2002
OFFICE OF PETITIONS

'899 application named three inventors: Robert Stout, Jonathan Guthrie, and Chris Duhon. The '656 application names the same three inventors as the '899 application, and names one additional inventor, Christopher P. Zura.

- The '899 application was assigned to Additech, Inc. ("Assignee"), which was the inventors' employer at the time of filing of the '899 application. The Assignment was recorded at Reel 010604, Frame 0510 on February 11, 2000. The Notice of Recordation of Assignment of the '899 application is attached hereto as Attachment A.
- Inventor Christopher P. Zura has executed an Assignment of the '656 application to Assignee ("the Zura Assignment"); the Zura Assignment is submitted for recordation concurrently with this Petition and the accompanying Response to Notice to File Missing Parts of Nonprovisional Application.
- In the intervening period between the filing of the '899 application and the filing of the present application, two of the inventors named in the '899 application, Robert Stout and Chris Duhon, left the employ of Assignee.
- On March 13, 2002, the undersigned attorney for Assignee forwarded by overnight delivery (Federal Express) a Declaration to be signed by Robert Stout ("the Stout Declaration"). Copies of the unsigned Stout Declaration and accompanying cover letter are attached hereto as Attachment B.
- On March 19, 2002, Mr. Stout telephoned the undersigned to advise that he (Mr. Stout) had "no intention whatsoever" of signing the Stout Declaration, that he "just won't sign it." Mr. Stout indicated that his departure from the employ of Assignee did not occur on good terms, and that "words could not express [his] level of contempt" for Assignee's president and others employed by Assignee. Thus, it is believed that Mr. Stout constitutes an inventor who "refuses to sign" for the purposes of 37 C.F.R. § 1.47
- Also on March 13, 2002, the undersigned attorney for Assignee forwarded by overnight delivery (Federal Express) a Declaration to be signed by Chris Duhon ("the

Duhon Declaration”). The Duhon Declaration was addressed to the last address of Chris Duhon known to the Assignee: 1555 W. Sam Houston Parkway North, Houston, Texas 77043. Copies of the unsigned Duhon Declaration and accompanying cover letter are attached hereto as Attachment C.

- The undersigned elected delivery of the Duhon Declaration by Federal Express specifically because of the ability to track the shipping activity of Federal Express deliveries; this ability was deemed desirable due to uncertainty as to the validity of Mr. Duhon’s address.
- A Federal Express shipping tracking report shows that the package containing the Duhon Declaration was delivered to the address noted above, and was signed for by one “K. Benel,” at 8:45AM on March 14, 2002. A copy of this shipping tracking report is attached hereto as Attachment D.
- As of the date of this Petition, neither the undersigned nor Assignee has received a response of any kind from Mr. Duhon. Assignee advises the undersigned that Mr. Duhon’s departure from the employ of Assignee, like Mr. Stout’s departure, did not occur on the best of terms. Subsequent to Mr. Duhon’s departure, Assignee has heard third-party reports that Mr. Duhon had relocated to an employer in Europe, although the truth of such reports cannot be verified. In any event, since Mr. Duhon’s departure, no one associated with Assignee has had any contact with Mr. Duhon. Neither the Assignee nor the undersigned have any other information which could be used to contact Mr. Duhon. In view of Mr. Duhon’s failure to respond to the March 13 delivery, it is believed that Mr. Duhon constitutes an inventor who “cannot be reached” pursuant to 37 C.F.R. § 1.47.

* * * * *

In view of the foregoing facts, and pursuant to 37 C.F.R. § 1.47, acceptance of the signed Declarations of Inventors Christopher Zura and Jonathan Guthrie is hereby requested, such that the application can be prosecuted by Assignee "on behalf of and as agent for all inventors" as provided by 37 C.F.R. § 1.47.

Respectfully submitted,

Date: 1 - APR - 2002

Hugh R. Kress

Hugh R. Kress
Reg. No. 36,574
WINSTEAD SECHREST & MINICK P.C.
910 Travis Street, Suite 2400
Houston, Texas 77002
(713) 650-2714 (voice)
(713) 650-2400 (fax)

ATTORNEYS FOR ASSIGNEE

HOUSTON_1\560082\1
23555-P011US - 04/01/2002